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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

SUMMARY RECORD OF THE 577th MEETING*

Held at the Palais des Nations, Geneva,
on Friday, 1 October 1999, at 4.30 p.m.

Chairperson: Mrs. MBOI

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(Joint special session of the Office of the High Commissioner for Human Rights and the Committee on the Rights of the Child)

* No summary records were issued for the 575th and 576th meetings.

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The meeting was called to order at 4.35 p.m.

COMMEMORATION OF THE TENTH ANNIVERSARY OF THE CONVENTION (agenda item 7) (continued)

1. The CHAIRPERSON invited the rapporteurs of the three round tables to present their recommendations and acknowledged the presence of several child participants.

Round Table I: Translating Law into Reality

2. Mrs. SANTOS PAIS (Rapporteur for Round Table I) said that the Committee on the Rights of the Child played a monitoring role in ensuring optimal compatibility between law and practice with regard to the Convention and in the removal of obstacles to its implementation. It should in particular assess the validity and impact of reservations by States parties. It should also call for States parties to take appropriate measures to ensure that the provisions of the Convention were given legal effect in domestic legal systems and to introduce supplementary legislation and enforcement mechanisms wherever necessary.

3. Reviews of national legislation in line with the provisions of the Convention should be carried out systematically with the input of civil society, and due attention should be given to raising public awareness and providing training with regard to the principles contained in the Convention.

4. The Committee should encourage non-governmental organizations and individual experts to study the impact and make increased use of the Convention in court cases and to provide the Committee with information thus obtained. Lastly, the Committee should initiate discussions on an Optional Protocol to the Convention and encourage States parties to support its efforts in that regard.

Round Table II: Putting Child Rights on the Agenda

5. Mr. RAJANI (Rapporteur for Round Table II) suggested that the Committee, in partnership with civil society, seek the support of various international bodies to determine the impact of macroeconomic and fiscal policies on children, with a view to reforming them where necessary to ensure the well-being of children. Action needed to be taken to promote evidence demonstrating that investment in children made economic sense and guaranteed equitable and sustainable development in the future. In keeping with article 4 of the Convention, maximum available resources should be allocated to providing for basic social services for children and steps should be taken to make budget documentation and processes more transparent.

6. The Committee should strongly advocate the inclusion of the review of the 20/20 initiative and its implementation on the agendas of the World Social Summit for Development+5 conference in 2000 and the General Assembly special session on the World Summit for Children in 2001.

7. Children and young people should be allowed to participate in awareness-raising regarding their rights, which was more effective as a

process of dialogue than in the form of lecturing. That required investment in institutionalizing the appropriate forums. Training on children's rights should be practical and integrated into regular professional training, equipping professionals to interact with children in a way that respected their rights and dignity.

Round Table III: Building Partnerships for the Realization of Rights

8. The CHAIRPERSON, noting the temporary absence of the rapporteur for Round Table III, invited the Chairperson of the round table to make a few comments.

9. Mrs. SARDENBERG (Chairperson of Round Table III) said that her group had been privileged to benefit from the participation of the children present. The latter had simulated a Committee meeting and provided views on how children could participate in the work of the Committee. They had suggested that the Committee include a child as an elected member. However, it had been pointed out that, as procedures stood, that was not possible, although children could participate in pre-sessional meetings or in government delegations. Furthermore, the Committee could encourage States parties to include children in their delegations to General Discussion days.

10. Mr. CANTWELL (Rapporteur for Round Table III) said that the Committee should encourage States parties to ensure the widest possible consultation in the preparation of reports, which would also serve to stimulate public awareness. Furthermore, the Committee needed to lighten the burden of report preparation by identifying priorities and reducing expectations, while still monitoring respect for children's rights.

11. Guidelines should be developed for the effective promotion of the rights of children by national human rights institutions. Children's rights should be given the same importance as human rights and, in that regard, required the establishment of permanent structures ensuring the full participation of children.

12. The Committee should recommend that coordination of implementation efforts be accompanied by effective review and monitoring. The responsibility for coordinating children's rights should be placed at a senior level of government, with the provision of adequate financial and human resources. The relationship between the different actors involved in promoting children's rights, including government and non-governmental organizations (NGOs), should be reviewed to counter any negative impact on children's rights. However, the involvement of NGOs and civil society as a whole should in no way lead Governments to abdicate their rightful responsibilities.

13. With regard to the participation of children in the Committee's work, the Committee should consider adopting as a priority a comprehensive general comment on child participation as envisaged in articles 12 to 17 of the Convention, bearing in mind that participation included consultation and proactive initiatives by children themselves. It should remind States parties of the need to give adequate consideration to the requirements of those provisions, by taking appropriate measures to support the right of children to

express their views; ensuring that schools and other bodies providing services to children established ways of consulting children in decisions concerning all aspects of their activities; giving increased consideration to the creation of channels or mechanisms to facilitate the expression by children of their views, in particular with regard to the formulation of public policies; including the views of children in the process of monitoring and reporting on the implementation of the Convention; and lastly by facilitating the creation of structures and organizations run by and for children and youth.

14. The Committee should also encourage national NGOs and Governments to facilitate the participation of children in the pre-sessional working group of the Committee and/or as members of government delegations at Committee sessions.

15. The CHAIRPERSON paid tribute to several framers of the Convention on the Rights of the Child, who she had learned were present at the current meeting.

16. Mrs. von HEIDENSTAM (Chairperson, Working Group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts) drew attention to an issue concerning which she had a special mandate, namely the need to remedy the Convention's single exception to the principle that majority began at age 18 by raising the age of participation in armed conflicts from 15 to 18. Although that need had been acknowledged several years earlier, States, for different reasons, had not been able to agree to do so. She trusted that all those present would support her in her efforts to resolve that sad situation by ensuring acceptance of the protocol.

17. The CHAIRPERSON invited the child participants in the Round Tables to speak about their experience.

18. Miss de RIEMAECKER (UNICEF Child Participation Project) said that she had been dismayed to hear the results of the Round Tables. The texts read out were very difficult and she was certain that few of the children had understood them.

19. Miss SCHELLEKENS (UNICEF Child Participation Project) said she did not have the impression that real consideration was being given to children's views. She failed to understand why Mrs. Sardenberg seemed to believe that it was against procedure for the children to participate in Committee meetings, whereas young women from the Netherlands had apparently already done so.

20. Mrs. SARDENBERG said that there had been a misunderstanding: she had meant that it was against procedure for children to be elected as members of the Committee, for which there existed strict rules established by the Convention itself. Participation by children in Committee meetings was on the contrary welcomed, as attested by its inclusion in several of the recommendations just read out. Noting that the adult language in which the recommendations were written might be difficult for children to understand, she stressed that the Committee's partnership with children was a learning process in which the Committee must learn how to address issues in language accessible to children and the children must help it to do so.

21. Miss SCHELLEKENS (UNICEF Child Participation Project) said that the children's participation in the Round Tables had been gratifying; it was the results which had been disappointing. She hoped that efforts would continue to ensure that the success of the learning process referred to by Mrs. Sardenberg would lead to genuine participation by children in the Committee's activities.

22. Miss de RIEMAECKER (UNICEF Child Participation Project) wondered whether adherence to rules at all cost might not jeopardize the granting of real consideration to children's views.

23. Mrs. OUEDRAOGO reassured the children that everything possible was being done to take their concerns into account, at the level of the pre-sessional working groups, participation in government delegations and all other aspects of the Committee's work. The way in which the recommendations were formulated might not have made that clear.

24. Miss GALLI (UNICEF Child Participation Project) noted that the recommendations read out had not included the establishment of a national youth parliament, which had been an important point in the discussions of Round Table III.

25. Mrs. SARDENBERG explained that the national youth parliament had not been included in the recommendations because the Round Table had not reached agreement on that idea. Consensus had been that child participation should be encouraged at the local and national levels before the issue of youth parliaments was addressed. She noted that formal participation by children in Committee meetings was very new; it was the first step in a learning process in which the Committee and the children must work hand-in-hand to overcome difficulties.

26. Miss CRUZADO MUÑOZ (Niños Trabajadores) said she deeply appreciated the opportunity to speak before the Committee; that was a very important first step, which should culminate in participation by children at the decision-making level. The idea of the youth parliament was slowly gaining hold, and the first step in that process was to raise awareness of children's need to participate and be represented without discrimination in all decisions concerning them.

27. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) said that she had had the opportunity to speak with several children attending the two-day commemorative seminar; the children had generally been satisfied with the participation, but had noted that certain of the issues raised had not been developed.

28. She appreciated the opportunity to speak in the two-day commemorative seminar at a very interesting point in the discussions. The adults attending the seminar had learned an important lesson: genuine participation by children was not merely a matter of placing children before a microphone; the entire process must involve children. The procedure adopted for presenting the results of the Round Tables excluded such participation. While the recommendations presented were extremely valuable and would influence all United Nations bodies working with children, they were easier to absorb in

written than in oral form. She thanked the children for their courage in voicing their frustrations. It should have been explained, for example, why the idea of the youth parliament had not been included in the recommendations.

29. She had been very pleased to see the idea of the two-day seminar, which she had proposed in January 1999, take root. It had enjoyed wide involvement from the beginning and, in particular, the direct participation of children. Throughout 1999 the dialogue in relation to children had been extending to new forums, such as the Commission on Human Rights and the Economic and Social Council. Of course, the two-day seminar had focused on improving the implementation of the Convention rather than specific children's rights issues; she therefore welcomed the statement by the Chairperson of the working group on a draft protocol on involvement of children in armed conflicts. She herself had raised the issue of the minimum age of participation in armed conflicts in her first address to the Security Council two weeks earlier, and she hoped that the Chairperson's work would be supported and encouraged by all present.

30. She appreciated the involvement and support of donor countries and NGOs working to implement the Convention, in addition to the valuable work being done by States and United Nations bodies. The circle of partners should be widened to include business, just as the institutions themselves were increasingly reaching out to local communities, inner-city and rural areas and children themselves in raising awareness of children's rights. She thanked the Chairperson for her vibrant stewardship of the Committee and wished her well in her forthcoming new post at the World Health Organization.

31. The CHAIRPERSON expressed gratitude to the High Commissioner for her kind personal words and to everyone who had helped to make the two-day commemorative seminar a success.

The meeting rose at 5.40 p.m.